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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,234	07/03/2003	Richard Mavrogeanes	VBRICK/104/US	4777
2543 7590 05/17/2007 ALIX YALE & RISTAS LLP 750 MAIN STREET SUITE 1400 HARTFORD, CT 06103			EXAMINER LAZARO, DAVID R	
			ART UNIT 2155	PAPER NUMBER
			MAIL DATE 05/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/613,234

Applicant(s)

MAVROGEANES ET AL.

Examiner

David Lazaro

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/27/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-9 are pending in this action.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 04/27/2004 has been considered by the examiner.

Claim Objections

3. Claim 7 is objected to because of the following informalities: The terminology "MPEG" should be spelled out as it is done in claim 9. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication 2002/0056123 by Liwerant et al. (Liwerant).
6. With respect to claim 8, Liwerant teaches an article comprising:
at least one sequence of machine readable instructions (Page 4 [0044]);

a medium bearing the executable instructions in computer readable form (Page 4 [0044]), wherein execution by a server computer causes the server computer to:

display a user interface on a client computer display, said client computer and said server computer connected by means of a network (Pages 4-5, [0045], [0050], [0051]);

receive a new file from the client computer and automatically (Page 5, [0055]: server receives video from sender):

examine the new file to determine if the new file contains a video program and if the new file contains a video program (Pages 5-6, [0055] determination of valid video format);

examine the data structure of the new file to determine which of a plurality of formats was used to encode the video program (Pages 5-6, [0055] determination of valid video format);

associate an indication of the format used to encode the video program with the video program (Pages 5-6, [0055] and Page 8 [0069]): format characteristics and identifiers, also in general, it is inherent that a video program would have an indication of format associated with it, otherwise the system could not stream it to a user);

store the video program and indication on the server computer so that the video program is accessible by client computers authorized to establish a connection with the server computer (Pages 5-6, [0055] after validating format and other optional functions, video content is stored in archival storage and is available for retrieval by the original sender and other requestors); and

add the video program to a list of available content viewable on a client computer display by means of the user interface (Pages 5-6, [0055] after validating format and other optional functions, video content is available for retrieval by the original sender and other requestors).

7. With respect to claim 9, Liwerant further teaches wherein said formats include formats promulgated by the moving pictures experts group (MPEG) (Page 8 [0069]).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 2 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0056123 by Liwerant et al (Liwerant) in view of U.S. Patent 6,449,608 by Morita et al. (Morita).

10. With respect to claim 1, Liwerant teaches a computer-implemented method of rendering digital video content accessible through other client computers running a web browser, said method comprising the steps of:

receiving a file deposited in a folder of a video server by an authorized user
(Page 5, [0055]: server receives video from sender);

opening the file and examining the file to determine:

whether the file contains video content (Pages 5-6, [0055] determination of valid video format); and

if the file contains video content, the encoding format for the video content (Pages 5-6: [0055] determination of valid video format);

and

adding the video content to a listing of available content (Pages 5-6, [0055] after validating format and other optional functions, video content is available for retrieval by the original sender and other requestors);

wherein the steps of opening and adding are carried out automatically such that the video content is available for viewing by a user upon completion of said step of adding (Pages 5-6, [0055] and Page 1, [0005]-[0006]: steps performed by server are automatically performed and content is available for viewing once performed)

Liwerant does not explicitly disclose generating an information file containing an indication of the encoding format for the video content; associating the information file with the video content. Morita teaches the automatic generation of an information file that contains an indication of the encoding format for the video content (Col. 6 lines 1-36: attribute information file). The information file is associated with the video content (Col. 6 lines 32-36: each video content has is associated file).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Liwerant and modify it as indicated by Morita such that it further comprises generating an information file containing an indication of the encoding format for the video content; associating the information file

with the video content; wherein the steps of opening, generating, associating and adding are carried out automatically such that the video content is available for viewing by a user upon completion of said step of adding. One would be motivated to have this, as an information file provides improved efficiency in the handling of video content files (In Morita: Col. 14 line 53 - Col. 15 line 9).

11. With respect to claim 2, Liwerant further teaches automatically presenting information fields to the authorized user, wherein said authorized user is allowed to complete the information fields to describe the video content (In Liwerant: page 5 [0051]-[0052]).

Liwerant does not explicitly disclose the use of an information file to store the information describing the video content. Morita discloses the use of an information file that stores information describing the associated video content file (Col. 6 lines 1-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Liwerant and modify it as indicated by Morita such that it further comprises automatically presenting the information file to the authorized user, wherein said authorized user is allowed to complete fields of the information file to describe the video content. One would be motivated to have this, as an information file provides improved efficiency in the handling of video content files (In Morita: Col. 14 line 53 - Col. 15 line 9).

12. With respect to claim 4, Liwerant teaches a video server comprising:

a communications interface for exchange of data between the video server and a client computer over a network (Page 5, [0055]: server receives video from sender);

a file storage system for storing a plurality of files containing video content (Page 5-6, [0055]: archival storage);

a software program that manages reception of new video content, storage of video content, decoding and playback of video content according to a selected one of a plurality of industry standard formats (Pages 5-6, [0055]: server manages reception, storage and decoding/playback); and

a user interface displayable on a display of the client computer whereby a user interacts with the software program to add new video content to the file storage system, delete video content from the file storage system, and/or select a particular item of video content for playback to a selected destination (Pages 5-6 [0049], [0051] and [0055]),

wherein the software program manages reception of new video content by automatically (Page 1 [0005]-[0006]:

examining a new file to identify which of said plurality of industry standard formats was used to encode the new video content contained in the new file (Pages 5-6, [0055] determination of valid video format);

and

placing the new file in a list of available video content selectable by a user through the user interface (Pages 5-6, [0055] after validating format and other optional functions, video content is available for retrieval by the original sender and other requestors).

Liwerant does not explicitly disclose attaching an information file to the new file indicating the identified industry standard format. Morita teaches the automatic

generation of an information file that contains an indication of the identified industry standard format for the video content (Col. 6 lines 1-36: attribute information file). The information file is associated with the video content (Col. 6 lines 32-36: each video content has is associated file).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Liwerant and modify it as indicated by Morita such that it further comprises attaching an information file to the new file indicating the identified industry standard format. One would be motivated to have this, as an information file provides improved efficiency in the handling of video content files (In Morita: Col. 14 line 53 - Col. 15 line 9).

13. With respect to claim 5, Liwerant further teaches wherein the software program automatically presents information fields to the user, whereby the user is able to complete the information fields to describe the new video content (In Liwerant: page 5 [0051]-[0052]).

Liwerant does not explicitly disclose the use of an information file to store the information describing the video content. Morita discloses the use of an information file that stores information describing the associated video content file (Col. 6 lines 1-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Liwerant and modify it as indicated by Morita such that it further comprises wherein the software program automatically: presents the information file to the user, whereby the user is able to complete fields in the information file that describe the new video content. One would be motivated to

have this, as an information file provides improved efficiency in the handling of video content files (In Morita: Col. 14 line 53 - Col. 15 line 9).

14. With respect to claim 6, Liwerant further teaches a video pump that decodes and delivers video content selected for playback by a user and wherein the software program automatically: presents the information file to the video pump whereby the video pump uses the identified industry standard format to decode and deliver video content in the file associated with the information file (In Liwerant: pages 5-6, [0055]) and (In Morita: Col. 6 lines 1-36).

15. With respect to claim 7, Liwerant further teaches wherein said industry standard format is an MPEG format (In Liwerant: Page 8, [0069]).

16. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liwerant in view of Morita as applied to claim 1 above, and further in view of Official Notice.

17. With respect to claim 3, Liwerant in view of Morita does not explicitly wherein said step of associating comprises: giving the information file a filename identical to that of the video content, said filename being followed by a different extension.

However, it is well known in the art that different extensions can be used with the same filename in order to create one or more associations between files.

As such, it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Liwerant in view of Morita and modify such that it further comprises wherein said step of associating comprises: giving

the information file a filename identical to that of the video content, said filename being followed by a different extension. One would be motivated to have this, as it is desirable to create associations between video files and files that describe the video files (In Morita: Col. 6 lines 1-36 and Col. 14 line 53 - Col. 15 line 9).

Conclusion


18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


19. U.S. Patent 5,996,015 by Day et al. "Method of delivering seamless and continuous presentation of multimedia data files to a target device by assembling and concatenating multimedia segments in memory" November 30, 1999. Discloses the automatic determination of the encoding format of content.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


David Lazaro
May 8, 2007


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER